

**Introduced by Senator Chesbro**  
(Principal coauthor: Assembly Member Wiggins)

February 19, 2003

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An act to relating to public trust lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 296, as amended, Chesbro. Public trust lands: Kaiser Steel development area.

Under existing law, the State Lands Commission in the Resources Agency administers all laws and statutes with respect to the transfer or exchange of state lands.

This bill would authorize the State Lands Commission to do all of the following:

(a) Convey to the City of Vallejo or the Vallejo Redevelopment Agency, by patent, any and all of the right, title, and interest held by the state to ~~tide or~~ *tidelands and* submerged lands within the Kaiser Steel development area, as specified.

(b) Receive and accept on behalf of the state any land or any interest in land, conveyed to the state pursuant to this bill or any ~~exchange, agreement, or adjustment~~ *settlement and exchange* authorized by this bill.

(c) Convey to the City of Vallejo by patent all of the *state's* right, title, and interest *held by virtue of the state in any land conveyed to the state its sovereignty, in and to the tidelands and submerged lands* within the Kaiser Steel development area, as described.

This bill would state the intent of the Legislature in enacting these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The parcel to which this act is applicable is described as follows, and shall be referred to in this act as the “Kaiser Steel ~~Development Area~~ development area”:

LAND DESCRIPTION

All of that land situated in the City of Vallejo, County of Solano, State of California, within the area described as follows:

BEGINNING AT A POINT, said point being the intersection of the southeasterly line of Solano Boulevard with the centerline of Sonoma Boulevard, thence southwesterly along the southeasterly line of Solano Boulevard and the extension of said southeasterly line, S 54°21'37"W, 960.03 feet; Thence leaving said southeasterly line S 35°53'08"E, 296.83 feet; Thence S 52°27'37"W, 471.04 feet to the U.S. Pierhead and Bulkhead Line as shown on the Map of the Grant to the City of Vallejo, Chapter 63, Statutes of 1963, filed in Book 8, of Surveys, at Page 90 in the Office of the Solano County Recorder; Thence along said U.S. Pierhead and Bulkhead Line N 39°38'08"W, 2473.08 feet; Thence leaving said U.S. Pierhead and Bulkhead Line, N 50°21'52"E, 336 feet more or less, to the centerline of Curtola Parkway; Thence southeasterly along the centerline of Curtola Parkway to the intersection of the centerline of Sonoma Boulevard; Thence S 49°41'53"E along the centerline of Sonoma Boulevard to the intersection of southeasterly line of Solano Boulevard and the True Point of Beginning.

Basis of Bearing is the Record of Survey, Recorded March 26, 1997 in Book 22 of Surveys at Page 23.

END OF DESCRIPTION

SEC. 2. As used in this act, the following definitions apply:

(a) “City” means the City of Vallejo, a municipal corporation of the State of California, in Solano County.

(b) “Kaiser Steel development area” means the land described in Section 1 *of this act*.

(c) “Public trust” means the public trust for commerce, navigation, and fisheries, water-oriented recreation, preservation of land in a natural state, and other public trust purposes.

(d) “Redevelopment agency” means the Vallejo Redevelopment Agency, a public body, corporate and politic.

(e) “Vallejo Granted Lands ~~Trusts~~ Trust” means the statutory trust created by the grant of ~~the~~ *tidelands* and submerged lands to the City of Vallejo in Chapter 310 of the Statutes of 1913, as amended.

SEC. 3. ~~(a)~~ The Legislature hereby finds and declares all of the following:

~~(1)~~

(a) Certain of the land within the Kaiser Steel development area were included within the perimeter descriptions of state sales of land to private parties by patents issued in 1867, 1868, and 1872. One patent states that it was issued pursuant to authority contained in Chapter 235 of the Statutes of 1858 and Chapter 314 of the Statutes of 1859. Two of the patents state that they were issued pursuant to authority contained in Chapter 397 of the Statutes of 1863.

~~(2)~~

(b) Any and all remaining state public trust interests within tidelands patents issued to private parties within the Kaiser Steel development area, whether in fee or public trust easement, have been granted to the city subject to the public trust and certain other restrictions by the Vallejo Granted Lands Trust.

~~(3)~~

(c) In the 1920’s, the city initiated litigation entitled City of Vallejo v. Smith, et al. (Solano County Superior Court; Case No. 7241) against private claimants of the tidelands patents within the Kaiser Steel development area, and alleged, among other things, that the patents were invalid because they included submerged

1 land below ordinary low tide, and that title to that land could not  
2 and did not pass with state patents, and that title was held by the  
3 city pursuant to the Vallejo Granted Lands Trust. The State of  
4 California was not named a party in the City of Vallejo v. Smith,  
5 et al.

6 ~~(4)~~

7 (d) There are unresolved issues concerning the geographic  
8 extent and boundaries of public trust and nonpublic trust title  
9 within the Kaiser Steel development area, the validity of  
10 state-issued patents there, and whether land within the Kaiser Steel  
11 development area remains subject to the public trust and to the  
12 Vallejo Granted Lands Trust.

13 ~~(5)~~

14 (e) This uncertainty of title limits the potential development of  
15 inland areas of the Kaiser Steel development area for nonpublic  
16 trust uses, and renders uncertain the creation of desirable public  
17 access, commercial recreation facilities, and other public trust uses  
18 near and along this portion of the city waterfront.

19 ~~(6)~~

20 (f) It is intended that the resolution of these disputes and the  
21 consolidation ~~and adjustment~~ of public and private ownerships  
22 ~~will be accomplished by and through an exchange of lands and~~  
23 ~~boundary adjustment to the lands within the Kaiser Steel~~  
24 ~~development area. These exchanges and adjustments shall be for~~  
25 ~~will be accomplished by and through a settlement and exchange of~~  
26 ~~lands within the Kaiser Steel development area. The settlement and~~  
27 ~~exchange shall be for the purpose of allowing nonpublic trust uses~~  
28 of lands no longer necessary for public trust purposes, while also  
29 establishing secure public trust title within the Kaiser Steel  
30 development area of land to be used for the purposes of the Vallejo  
31 Granted Lands Trust.

32 ~~(7) The proposed exchange, agreement, or adjustment will not~~  
33 ~~interfere with, and will, in fact, be consistent with and further the~~  
34 ~~purposes of the public trust if all of the following occur, provided~~  
35 ~~that the State Lands Commission first makes the following~~  
36 ~~findings as part of any approval of an exchange, agreement, or~~  
37 ~~adjustment:~~

38 ~~(A)–~~

39 (g) *The settlement and exchange contemplated by this act*  
40 *would maximize the benefits to the public trust without interfering*



1 *with trust purposes, and would resolve legal uncertainties to the*  
 2 *overall benefit of the public trust, provided that the State Lands*  
 3 *Commission makes the findings set forth in Section 4 of this act as*  
 4 *part of a settlement and exchange agreement.*

5 *SEC. 4. The Legislature hereby authorizes the city, the*  
 6 *redevelopment agency, and the State Lands Commission to enter*  
 7 *into an agreement for the settlement of conflicting claims of*  
 8 *ownership and for an exchange of lands that shall terminate the*  
 9 *public trust over certain filled tidelands and submerged lands*  
 10 *within the Kaiser Steel development area as described in the*  
 11 *agreement. The commission may approve the exchange of any*  
 12 *public trust lands only after the commission makes the following*  
 13 *findings:*

14 (a) That the value of any land or interest in land to be conveyed  
 15 and made subject to the public trust equals or exceeds the value of  
 16 the land to be conveyed free of the public trust and in which the  
 17 ~~public trust is terminated pursuant to an exchange, agreement, or~~  
 18 ~~adjustment~~ *public trust is terminated pursuant to a settlement and*  
 19 *exchange agreement. If equal or greater economic value to the*  
 20 *public trust is not achieved through a land exchange confirming*  
 21 *public trust land within the Kaiser Steel development area, the*  
 22 *value necessary in addition to that provided by the land exchange*  
 23 *may be met by a contribution to the fund established by the*  
 24 *Kapiloff Land Bank Act (Division 7 (commencing with Section*  
 25 *8600) of the Public Resources Code) for the purchase of other land*  
 26 *to be made subject to the public trust.*

27 ~~(B)~~

28 (b) That the lands over which the public trust will be terminated  
 29 within the Kaiser Steel development area have been filled and  
 30 reclaimed, those parcels consisting entirely of dry land lying above  
 31 the present mean high tide line, and are not necessary in their  
 32 public trust encumbered status for the purposes of the public trust,  
 33 or for purposes of the Vallejo Granted Lands Trust.

34 ~~(C)~~

35 (c) That the land over which the public trust will be terminated  
 36 is not waterfront land, having been cut off from direct access to the  
 37 waters of San Francisco Bay by past filling of intervening  
 38 property.

39 ~~(D)~~

1 (d) That streets in or serving the Kaiser Steel development area  
2 have provided, and will continue to provide, public pedestrian and  
3 vehicular access to the waterfront and to the public trust use areas  
4 established through the exchange.

5 ~~(E)~~

6 (e) That the ~~land~~ lands over which the public trust will be  
7 terminated constitute a relatively small portion of the ~~tide~~  
8 *tidelands* and submerged lands granted to the city *under Chapter*  
9 *310 of the Statutes of 1913, as amended.*

10 ~~(F)~~

11 (f) That the ~~land~~ lands over which the public trust will be  
12 terminated are no longer needed or required to further public trust  
13 purposes or the purposes of the Vallejo Granted Lands Trust, and  
14 the land to be acquired within the Kaiser Steel development area  
15 through the exchange will serve public trust purposes and needs.

16 ~~(b) It is therefore the intent of the Legislature, subject to the~~  
17 ~~terms and conditions set forth in this act, to authorize an agreement~~  
18 ~~by the city, the redevelopment agency, and State Lands~~  
19 ~~Commission, to enter into an exchange or exchanges of tide or~~  
20 ~~submerged lands, or settlement regarding conflicting claims of~~  
21 ~~ownership of lands within the Kaiser Steel development area, and~~  
22 ~~by the agreement or settlement terminate the public trust over~~  
23 ~~filled tidelands as described in any agreement within the Kaiser~~  
24 ~~Steel development area, consistent with the findings and~~  
25 ~~declarations stated in this act.~~

26 ~~(c) Any agreement for the exchange of land or for trust~~  
27 ~~termination of the land within the Kaiser Steel development area~~  
28 ~~shall be conclusively presumed to be valid unless held to be invalid~~  
29 ~~in a valid proceeding in a court of competent jurisdiction to~~  
30 ~~determine the validity of the agreement commenced within 90~~  
31 ~~days after the recording of the agreement.~~

32 ~~SEC. 4.—~~

33 *SEC. 5. (a) Any party to a settlement and exchange*  
34 *agreement entered into pursuant to this act may bring an action*  
35 *under Chapter 4 (commencing with Section 760.010) of Title 10 of*  
36 *Part 2 of the Code of Civil Procedure to quiet title and to confirm*  
37 *the validity of that agreement as if the agreement had been entered*  
38 *into pursuant to Section 6307 or 6357 of the Public Resources*  
39 *Code. Any action shall be brought no later than 90 days after the*  
40 *recording of the executed agreement.*

1     (b) Notwithstanding subdivision (b) of Section 764.080 of the  
2     Code of Civil Procedure, a person not a party to a settlement and  
3     exchange agreement entered into pursuant to this act seeking to  
4     bring an action challenging the validity of the agreement shall file  
5     that action no later than 180 days after the recording of the  
6     executed agreement.

7     (c) Any settlement and exchange agreement entered into  
8     pursuant to this act shall be conclusively presumed to be valid,  
9     unless held invalid in an appropriate proceeding in a court of  
10    competent jurisdiction commenced within the time limits specified  
11    in this section.

12    SEC. 6. For purposes of effectuating ~~an exchange, agreement,~~  
13    ~~or adjustment~~ a settlement and exchange referred to in Section 2  
14    of this act, the State Lands Commission may do all of the  
15    following:

16    (a) Convey to the city or the redevelopment agency, by patent,  
17    any and all of the right, title, and interest held by the state by virtue  
18    of its sovereign trust title to ~~tide~~ tidelands and submerged lands,  
19    including any public trust interest, in and to all of the historic ~~tide~~  
20    tidelands and submerged lands within the Kaiser Steel  
21    development area that are no longer waterfront lands, are above  
22    the mean high tide line, and are not necessary for public trust  
23    purposes, subject to the reservations that the ~~State Lands~~  
24    ~~Commission~~ commission determines to be appropriate. *That*  
25    *patent and conveyance shall forever terminate the public trust over*  
26    *those lands so conveyed, subject to any reservations which may be*  
27    *made by the commission.*

28    (b) Receive and accept on behalf of the state in its sovereign  
29    capacity any land or any interest in land, conveyed to the state in  
30    its sovereign capacity pursuant to this act and pursuant to ~~an~~  
31    ~~exchange, agreement, or adjustment~~ a settlement and exchange  
32    agreement authorized by this act, including any contribution to the  
33    Kapiloff Land Bank Fund (Section 8610 of the Public Resources  
34    Code) for the purchase of public trust lands to be owned by the  
35    state and administered by the State Lands Commission.

36    ~~(c) Convey to the city by patent all of the right, title, and interest~~  
37    ~~of the state in any land conveyed to the state in its sovereign~~  
38    ~~capacity within the Kaiser Steel development area pursuant to this~~  
39    ~~act and to an exchange, agreement, or adjustment authorized by~~  
40    ~~this act, subject to the Vallejo-Granted Lands Trust, the public trust,~~

1 ~~and to the terms, conditions, and reservations that the State Lands~~  
2 ~~Commission determines are necessary to meet the requirements of~~  
3 ~~this act, the public trust, and the Vallejo Granted Lands Trust.~~

4 *(c) Convey to the city by patent all of the state's right, title, and*  
5 *interest held by virtue of its sovereignty in and to the tidelands and*  
6 *submerged lands within the Kaiser Steel development area,*  
7 *including those lands conveyed to the state pursuant to a*  
8 *settlement and exchange agreement entered into pursuant to this*  
9 *act, subject to the Vallejo Granted Lands Trust, the public trust,*  
10 *and the terms, conditions, and reservations that the State Lands*  
11 *Commission determines are necessary to meet the requirements of*  
12 *this act, the public trust, and the Vallejo Granted Lands Trust.*  
13 *Upon that conveyance, the city shall be responsible for*  
14 *administering the public trust with respect to those lands conveyed*  
15 *through a settlement and exchange agreement entered into*  
16 *pursuant to this act.*

